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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48252]

CUSTOMS REGULATIONS AMENDED—CUSTOMHOUSE BROKERS
CHAPTER XXVII, CUSTOMS REGULATIONS OF 1931, AMENDED IN AC-
CORDANCE WITH THE PROVISIONS OF SECTION 641, TARIFF ACT OF
1930, AS AMENDED BY THE ACT OF AUGUST 26, 1935 (PUB. NO.
335).

To Collector of Customs and Others Concerned:

Chapter XXVII (Articles 1391 to 1403, inclusive) of the Customs Regulations of 1931 is hereby amended by deleting all matter now appearing therein and inserting in lieu thereof sections 1 to 14, inclusive, of the regulations relating to customhouse brokers promulgated by the Secretary of the Treasury in Department Circular No. 559, of April 16, 1936 (with redesignation of article numbers), as follows:

CHAPTER XXVII. CUSTOMHOUSE BROKERS

- Art.
 1391. Licenses for brokers required—Qualifications—Regulations authorized.
 1392. Definitions.
 1393. Application for license and investigation of application.
 1394. Issuance or denial of licenses.
 1395. Other representation by customhouse brokers.
 1396. Licenses for more than one customs district.
 1397. License, when not required.
 1398. Books and papers.
 1399. Other duties and obligations of licensed customhouse brokers.
 1400. Revocation or suspension of licenses.
 1401. Cancellation of licenses.
 1402. Licenses issued under prior Acts of Congress.
 1403. Appeal from the Secretary's decision.
 1403½. Records of the Committee.

[Here follows the regulations relating to customhouse brokers promulgated by the Secretary of the Treasury April 16, 1936; for the text of the regulations see "Rules and Regulations relating to Customhouse Brokers", published in this issue.]

These regulations shall become effective on May 16, 1936.

[SEAL]

J. H. MOYLE, *Commissioner of Customs.*

Approved: Apr. 16, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[Filed, April 20, 1936; 12:32 p. m.]

Bureau of Internal Revenue.

[T. D. 4636]

INCOME TAX—MUTUAL INSURANCE COMPANIES OTHER THAN LIFE
EXTENSION OF TIME FOR FILING RETURNS

To Collectors of Internal Revenue and Others Concerned:

Pursuant to the provisions of section 53 of the Revenue Act of 1934, extensions of time for such period as may be necessary, but not later than June 15, 1936, are hereby granted to mutual insurance companies other than life for the filing of income tax returns, Form 1030, for the calendar year 1935.

This document is issued under the authority prescribed by sections 53 and 62 of the Revenue Act of 1934.

[SEAL]

GUY T. HELVERING,

Commissioner of Internal Revenue.

Approved, Apr. 15, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[Filed, April 18, 1936; 9:34 a. m.]

Committee on Enrollment and Disbarment.

RULES AND REGULATIONS RELATING TO CUSTOMHOUSE BROKERS
 [(1936) Department Circular No. 559]

By virtue of and pursuant to the authority vested in me, including the authority conferred by section 641 of the Tariff Act of 1930, as amended, the following regulations are hereby promulgated:

SEC. 1. LICENSES FOR BROKERS REQUIRED—QUALIFICATIONS—REGULATIONS AUTHORIZED.—(a) Tariff Act of 1930, section 641 (a), as amended:

* * * Except as provided in subdivision (c) of this section, no person shall transact business as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations (Aug. 26, 1935, ch. 689, sec. 3, 49 Stat. 864).

(b) No representative of the Treasury Department shall recognize or deal with any person transacting the business of a customhouse broker, or any employee, officer, or agent thereof, unless such person is licensed as a customhouse broker in accordance with the provisions of these regulations.

(c) Tariff Act of 1930, section 641 (a):

The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. * * *

(d) Tariff Act of 1930, section 641 (d), as amended:

The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section * * * (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 865).

SEC. 2. DEFINITIONS.—When used in these regulations—(a) *Customhouse broker.*—The term "customhouse broker" includes any person who, acting on behalf of others, transacts customs business not limited to a kind described in section 7 of these regulations.

(b) *Treasury Department or any representative thereof.*—The term "Treasury Department or any representative thereof" includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office, or unit.

(c) *Committee.*—The word "Committee" means the Committee on Enrollment and Disbarment of the Treasury Department. (See Section 1 of Treasury Department Circular No. 230, revised October 1, 1934.)

FEDERAL REGISTER

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1934

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(d) *Person*.—The word "person" includes corporations, associations, and partnerships.

(e) *Books and papers*.—The term "books and papers" includes all books, accounts, records, papers, documents, and correspondence of a customhouse broker relating to his customs business.

SEC. 3. APPLICATION FOR LICENSE AND INVESTIGATION OF APPLICATION.—(a) A person desiring to engage in the business of a customhouse broker shall submit an application to the Committee, stating his qualifications for a license. The application shall be under oath and in such standard form as the Committee, with the approval of the Secretary, shall have prescribed.

(b) The Committee shall make an investigation in connection with each such application, and to this end may utilize any investigative facility of the Treasury Department. The investigation shall cover, but need not be limited to, (1) the correctness of the statements made in the application, (2) the business integrity of the applicant, and (3) when the applicant is an individual (including an officer of a corporation or association or a member of a partnership), the character and reputation of the applicant and his experience in customs matters.

(c) As soon as possible after the application has been filed, the name and address of each applicant shall be posted conspicuously in the customhouse at the port where the applicant proposes to maintain his principal office. In the case of a corporation, association, or partnership, the name of the licensed officers or members shall be stated.

(d) The causes sufficient to justify rejection of an application for a license shall include, but shall not be limited to, (1) any conduct which would be ground for the suspension or revocation of the license of a licensed customhouse broker under the provisions of section 10 of these regulations; (2) any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; (3) a bad reputation imputing to an applicant conduct of any of the foregoing types or of a criminal, dishonest, or unethical kind; and (4) the minority of the applicant. In the case of a corporation, association, or partnership, the application will be rejected by the Committee unless it appears that the officers or members who are licensed customhouse brokers are to exercise responsible supervision and control of the transaction of the customs business of such corporation, association, or partnership. An individual who is unable for any reason to take the oath of allegiance and to support the Constitution of the United States shall not be licensed. An alien undergoing naturalization is ineligible to receive a license until he has received his final naturalization certificate. An officer or employee of the United States is ineligible to receive a license.

(e) Upon the conclusion of the investigation, the Committee shall notify the applicant to appear before a subcommittee of examiners at a specified time and place in the customs district in which the applicant proposes to do business, unless facts already established by the investigation satisfy the Committee that the application should be rejected. Such subcommittee of examiners shall consist of not less than three nor more than five members designated as such by the Committee.

(f) The Committee shall from time to time prescribe lists of suggestions for the guidance of subcommittees of examiners in conducting such examinations. The examinations shall have for their purpose a determination of the applicant's knowledge of customs law and procedure and his fitness to render valuable service to importers and exporters. The examination may at the option of the subcommittee be oral or written, but if oral shall be stenographically reported and transcribed, and in either case shall

EXTRACTS FROM THE FEDERAL REGISTER ACT, APPROVED JULY 26, 1935 (49 STAT. 500)

"Sec. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division. * * *. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. * * *"

"Sec. 5. (a) There shall be published in the Federal Register * * * (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; * * *"

"Sec. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; * * *"

¹ See Regulations prescribed by the Administrative Committee of the Federal Register, and approved by the President on March 11, 1936; copies of the regulations are obtainable by Federal agencies upon request to the Division of the Federal Register, The National Archives.

be forthwith transmitted to the Committee with the report and recommendation of the subcommittee of examiners.

(g) The Committee shall endeavor to ascertain all the facts deemed necessary by it to pass upon any application without expense or undue inconvenience to the applicant. In the event, however, that the Committee is not satisfied by the information received, it may require the applicant (or, in the case of a corporation, association, or partnership, one or more of its officers or members) to appear in person before the Committee or before one or more representatives of the Committee, for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

(h) If the applicant is an individual who proposes to operate under a trade or fictitious name, evidence of the applicant's authority so to conduct business must accompany his application. A licensed individual who proposes to operate under a trade or fictitious name shall submit evidence of his authority so to do to, and receive the approval of, the Committee before he uses such name.

SEC. 4. ISSUANCE OR DENIAL OF LICENSE.—(a) If the Committee finds that the applicant is qualified, the Committee will issue a license in such standard form as the Committee, with the approval of the Secretary of the Treasury, shall have prescribed. The license shall be forwarded to the appropriate collector of customs, who shall deliver it to the licensee after making a record thereof in a roster of licensed brokers which shall be maintained in the customhouse in such manner that it will be readily accessible to the proper customs officers and employees.

(b) A license for an individual who is an officer of a corporation or association or a member of a partnership will be issued in the name of the individual licensee, and not in his capacity as officer or member of the organization with which he is connected.

(c) If the Committee finds that the application should be rejected for any reason, it shall so report and recommend to the Secretary of the Treasury. Such report and recommendation shall be signed by all members of the Committee agreeing thereto. Any member of the Committee dissenting therefrom shall submit a statement of his reasons for such dissent. The Committee may grant a hearing on an application at the applicant's request.

(d) If the Secretary of the Treasury, in the exercise of his discretion, approves such recommendation, notice of rejection of the application shall be given by the Committee to the applicant and to the collector of the district in which the applicant proposed to do business. If the Secretary does not approve such recommendation, he will return it to the Committee with such instructions as to the issuance of a license or further investigation as in his judgment the circumstances may require.

SEC. 5. OTHER REPRESENTATION BY CUSTOMHOUSE BROKERS.—A licensed customhouse broker requires no further enrollment under these regulations for the transaction, within the customs districts in which he is licensed, of any business relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws. He is also entitled, without further license or enrollment, to represent claimants or other persons before the Treasury Department in Washington in any matter in which he is acting as a customhouse broker in any district in which he is licensed. When serving in such capacity, a licensed customhouse broker shall, in addition to being subject to the provisions of section 641 of the Tariff Act of 1930, as amended, and the rules and regulations thereunder, be subject also to all the provisions of the laws and regulations set forth in Treasury Department Circular No. 230, as revised from time to time, and shall be responsible as specified in section 7 (d) of these regulations for violations of any such laws or regulations committed by his or its officers, employees, or authorized attorneys or agents, in connection with the prosecution on behalf of the principal of any business before the Treasury Department in Washington.

SEC. 6. LICENSES FOR MORE THAN ONE CUSTOMS DISTRICT.—Separate licenses shall be required if the licensee desires to transact customs business in more than one customs district. However, a licensee having a license in force in one district may on application to the Committee be granted a license to transact business in another district without further examination, provided it appears on investigation that the licensee is authorized to do business in the State or States in which such other district is situated, and is prepared and qualified to render efficient service in such other district. Licenses may be granted to partnerships with two licensed members, and to corporations and associations with two licensed officers, whether or not such members or officers are licensed in the district for which the partnership, corporation, or association license is granted.

SEC. 7. LICENSE, WHEN NOT REQUIRED.—(a) An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(b) A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a customhouse broker.

(c) A resident agent employed by one or more vessels or lines of vessels is not required to be licensed as a customhouse broker in order merely to enter or clear vessels consigned to him by a principal. Proof of the agency must be filed with the collector.

(d) An employee of a licensed customhouse broker is not required to be licensed in order to act solely for his employer, but in order that such employee may sign customs documents on behalf of his employer the broker must file with the collector a power of attorney

for that purpose. Each broker shall file with the collector at each port where the business is to be transacted an authorization specifically naming each employee who may properly act for him. A broker must promptly give notice of any change in the authority of such employees and must exercise such supervision of them as will insure proper conduct on the part of the employees in the transaction of customs business. Each broker will be held strictly responsible for the acts or omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and diligence, the broker should have foreseen. Every attorney in fact acting for a licensed customhouse broker must be a resident of the United States.

SEC. 8. BOOKS AND PAPERS.—(a) Tariff Act of 1930, section 641 (d), as amended:

The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States. (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 865.)

(b) Each licensed customhouse broker shall maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all his financial transactions as a customhouse broker. He shall keep and maintain on file a copy of each entry made by him, and copies of all his correspondence and other papers relating to his customs business.

(c) Except as provided in paragraph (d) of this section, each licensed customhouse broker shall, after 90 days after the effective date of these regulations, keep on customs Form 3079 (Record of Transactions of Licensed Customhouse Broker), in accordance with the instructions printed thereon, records of all customs business transacted by him in behalf of his clients. If a transaction has been handled only in part by the broker, he need fill in only the appropriate part of this customs form 3079. Records on customs Form 3079 shall be in addition to, and not in lieu of, the regular records of account required by paragraph (b) of this section to be kept and maintained.

(d) If the data prescribed to be recorded on customs Form 3079 are disclosed in other records regularly kept and maintained by a licensed broker in a systematic, convenient, and readily available form which will permit an effective inspection thereof by duly accredited agents of the United States, such broker may, by notice in writing from the collector of customs for the district, be exempted from the requirements of paragraph (c) of this section. Such notice of exemption shall be issued only if (1) a broker makes written application therefor to the collector, setting forth the facts as to the records he keeps and agreeing that if the exemption is granted he will not change his system of records or his manner of keeping and maintaining them without notification to and prior approval by the said collector, and (2) the collector and the supervising customs agent for the district are satisfied that the records are and will be kept and maintained by the broker in conformity with the conditions above stated.

(e) A broker having a license on the effective date of these regulations, who makes application for exemption within 90 days after such date, will be relieved of the requirement of keeping records on customs Form 3079 pending consideration of his application by the collector and supervising customs agent; but if such application shall be denied, the broker shall forthwith, upon written notification of the denial, keep and maintain records on customs Form 3079 as above provided.

(f) Whenever it shall appear to the satisfaction of the collector, upon investigation by a duly accredited agent of the United States, that a broker to whom an exemption has been granted as provided in paragraph (d) of this section is not keeping and maintaining records in conformity with the requirements of the said paragraph (d), the exemption of such broker shall be revoked by notice in writing from the collector, and such broker shall thereafter keep and maintain records on customs Form 3079 as above provided.

(g) All of the books and papers required by the foregoing provisions of this section shall be kept on file for at least five years and maintained in such manner that they may readily be examined. Any or all of such books and papers shall be made available to duly accredited agents of the United States on demand therefor within five years after their preparation or receipt by the broker, or within such longer period of time during which they remain in the possession of the broker. The broker shall also furnish such additional information regarding his activities as a licensed customhouse broker as such agents may require.

(h) The supervising customs agent in charge of the agency district, or a customs agent designated by him, shall make such inspection of the books and papers required by these regulations to be kept and maintained by a licensed customhouse broker as may be necessary to enable the supervising customs agent, the collector of customs, and other proper officials of the Treasury Department to determine whether or not the broker is complying with the requirements of this section. Furthermore, the supervising customs agent or any duly accredited agent of the United States designated by him may at any time, for the purpose of protecting importers or the revenue of the United States, inspect such books and papers to obtain information regarding specific customs transactions.

(1) The agent making any investigation contemplated by the preceding paragraph shall report his findings in full to the Committee, the Commissioner of Customs, and the collector of customs.

SEC. 9. OTHER DUTIES AND OBLIGATIONS OF LICENSED CUSTOMHOUSE BROKERS.—(a) The duties and obligations specified in this section and elsewhere in these regulations relating to customhouse brokers are not to be construed as exclusive, since the Secretary of the Treasury may deem conduct not within the purview of any specification in these regulations to be such as would also warrant the suspension or revocation of a license under the authority conferred upon him by section 641 of the Tariff Act of 1930, as amended.

(b) No licensed customhouse broker shall permit his license or his name to be used by or for any unlicensed person, or by or for any broker whose license is under suspension, in the solicitation, promotion, or performance of any customs business or transaction.

(c) No licensed customhouse broker shall accept or retain employment from or with an unlicensed employer to transact customs business for others than the employer in such manner that the fees or other benefits resulting from the services rendered by the licensed broker for others inure to the benefit of the unlicensed employer.

(d) No licensed customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or sub-agent, from any person whose application for a license as a customhouse broker shall at any time have been denied for a cause involving moral turpitude, or whose license shall have been revoked for any such cause, or whose license is under suspension, or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transaction of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the licensed broker: *Provided*, That nothing herein shall be deemed to prohibit any licensed customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have been denied a license as a customhouse broker or had his license revoked or suspended, or may be disreputable.

(e) No licensed customhouse broker shall act in behalf of any person, or attempt to represent any person, in respect of any protest or appeal to reappraisal, unless he shall previously have been specifically or generally authorized to do so by such person.

(f) No licensed customhouse broker shall knowingly use false and misleading representations to procure employment in any customs matter, nor shall he represent to a client or prospective client that he can obtain extraordinary favors from the Treasury Department or any representative thereof.

(g) No licensed customhouse broker shall represent a client before the Treasury Department or any representative thereof in any matter to which the broker, as officer or employee, gave personal consideration, or as to the facts of which he gained knowledge, while in the Government service.

(h) No licensed customhouse broker shall knowingly (1) assist a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service, or (2) accepted assistance in any such matter from any such person, or (3) share fees in any such matter with any such person.

(i) No licensed customhouse broker shall suggest to a client or a prospective client a plan known to be illegal for evading payment of any duty, tax, or other debt, or obligation owing to the Government.

(j) Each licensed customhouse broker who knows that a client has not complied with the law or has made any error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute, shall advise his client promptly of the fact of such noncompliance, error, or omission.

(k) Each licensed customhouse broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any customs business; and no licensed customhouse broker shall knowingly impart to a client false information relative to any such business when such false information is or might be detrimental to the interests of the Government, the client, or any other person.

(l) No licensed customhouse broker shall withhold information relative to any customs business from a client who is entitled to the information.

(m) Each licensed customhouse broker shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in respect of the client's customs business.

(n) No licensed customhouse broker shall without authority of his client endorse or accept any Government draft, check, or warrant drawn to the order of such client.

(o) No licensed customhouse broker who has recommended to his client an attorney shall demand of, or accept from, such attorney any fee or remuneration by reason of such recommendation without the knowledge and consent of the client.

(p) No licensed customhouse broker shall file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false, nor shall knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.

(q) Each licensed customhouse broker shall exercise due diligence in answering correspondence, in making financial settlements, and in preparing, or assisting in the preparation of, and filing documents, affidavits, and other papers relating to any matter handled by him as a customhouse broker.

(r) No licensed customhouse broker shall procure, or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

(s) No licensed customhouse broker shall attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof, by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage, or by the bestowing of any gift or favor or other thing of value.

(t) No licensed customhouse broker shall refuse access to, conceal, remove, or destroy the whole or any part of any book, paper, or other record, relating to his transactions as a customhouse broker, which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or representative, to procure such information.

(u) Every licensed officer or member of a corporation, association, or partnership, which is licensed as a customhouse broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such corporation, association, or partnership.

(v) A licensed broker who is authorized by State law to transact business under a fictitious or trade name shall, when signing customs documents, affix his own name in conjunction with each signature of the fictitious or trade name.

SEC. 10. REVOCATION OR SUSPENSION OF LICENSES.—(a) Tariff Act of 1930, section 641 (b), as amended:

The collector or chief officer of the customs may, at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter, or by advertisement. (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 864.)

(b) All complaints or charges against customhouse brokers filed with collectors or other customs officers shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district, for such action as may be necessary, and shall also transmit copies thereof to the Committee and to the Commissioner of Customs.

(c) If the collector determines that there is not sufficient evidence to prefer charges, he shall report all the facts to the Committee and to the Commissioner of Customs. If the collector determines that there is sufficient evidence to prefer charges, he shall proceed in accordance with paragraph (a) of this section. The collector may call upon the Attorney for the Government before the Committee on Enrollment and Disbarment to aid him in preparing the notice to show cause to be served upon the accused broker.

(d) Notice of the charges, signed by the collector, shall be served upon such customhouse broker in the following manner:

1. If an individual,
 - (a) by delivery to the accused broker personally, or
 - (b) by registered mail, with demand for a return card signed solely by the addressee;
2. If a corporation, association, or partnership,
 - (a) by delivery to any officer of such a corporation or association, or member of such partnership, or
 - (b) by registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee;

Provided, That, if a customhouse broker shall have signed and filed with the Committee his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

(e) The notice shall state the place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute ground for suspension or revocation of license, may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the accused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement of charges be made more specific, setting forth in such motion in what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information.

(f) After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served as follows:

(1) By delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(2) By leaving them at the office of the accused, or of such officer or member, with his clerk or with a person in charge thereof; or

(3) By depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last-known address of the accused, or such member or officer.

(4) When the accused, whether an individual, corporation, association, or partnership, is represented by attorney, by service upon the attorney in the same manner as provided for in paragraph (1), (2), or (3) for service on the accused personally.

(g) Copies of all papers in the case, including the notice of charges, and notice of the time and place of all hearings, shall be sent promptly by the collector to the Committee.

(h) The hearing shall be before the collector. The collector shall designate an officer of his staff to represent the Government at the hearing and shall provide a stenographer to make the stenographic record. The Attorney for the Government before the Committee on Enrollment and Disbarment, or another attorney designated by the Committee, shall be present and participate in the presentation of testimony. A member or members of the Committee may be present at the hearing. A member or representative of the Committee may act for the collector in taking depositions when necessary. Upon conclusion of the hearing, the collector shall forthwith transmit all papers and three copies of the transcript of the hearing to the Secretary of the Treasury (attention of the Committee on Enrollment and Disbarment).

(i) Promptly after the record in a case has been received by the Committee, a copy of a transcript of the evidence, accompanied by proposed findings of fact based upon all the evidence in the case, prepared by the attorney for the Government, shall be delivered to the accused or his attorney. The accused shall have 10 days thereafter in which to submit in writing to the Committee his objections, if any, to such findings. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. The Committee shall promptly after the receipt of such objections, or after the expiration of 10 days if no such objections are filed, make its findings of fact. The Committee shall recommend to the Secretary the dismissal of the charges when in its opinion such charges have not been proved.

(j) If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Committee may recommend to the Secretary that the charges be dismissed and the Collector be instructed to file appropriate charges as a basis for new proceedings.

(k) The Committee shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges.

(l) If the Committee or a majority thereof finds that a part of the charges in the statement of charges is not sufficiently proved but that the remainder of the charges is so proved, it may recommend a finding that the accused is guilty upon any ground for suspension or revocation of license which is substantially charged by the remainder of the statement of charges.

(m) No recommendations shall be made by the Committee as to findings of fact in cases of default by the accused except upon evidence submitted on behalf of the Government.

(n) If in the opinion of the Committee suspension or revocation of license should be recommended, it shall so report and recommend to the Secretary of the Treasury. Such report and recommendation shall be signed by all members of the Committee agreeing thereto. Any member of the Committee dissenting therefrom shall submit a statement of his reasons for such dissent.

(o) If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Except as provided in section 13 of these regulations, such person will not thereafter be recognized as a customhouse broker during the period of suspension or revocation of his license.

(p) Any customhouse broker who has been suspended or whose license has been revoked may make written application to the Committee to have the order of suspension or revocation set aside or modified upon the ground (1) of newly discovered evidence, or (2) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the Committee in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Committee after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, it shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The hearing shall be conducted as set forth in section 10 (b) of these regulations. Upon the conclusion of the hearing the collector shall submit three copies of the transcript of the hearing to the Committee. The Committee shall then make its recommendations to the Secretary in the manner heretofore prescribed in connection with revocation and suspension proceedings.

(q) In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent.

(r) In the case of sickness or necessary absence of the collector which prevents him from acting as provided in this section, the assistant collector shall be deemed the chief officer of the customs referred to in paragraph (a) of this section, and shall perform the duties of the collector herein prescribed.

SEC. 11. CANCELLATION OF LICENSES.—(a) Tariff Act of 1930, section 641 (a):

* * * Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than sixty days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers. * * *

(b) Any corporation, association, or partnership which is licensed as a customhouse broker shall immediately notify the collector of each district in which it is licensed to transact business in the event it ceases to have at least two officers or members who are licensed individually as customhouse brokers and who exercise responsible supervision and control of the transaction of the customs business of the licensed organization. Collectors shall report to the Committee all cases wherein the required number of officers or members of any licensed corporation, association, or partnership have ceased to be qualified as licensed customhouse brokers and the deficiency has continued for more than sixty days. The Committee shall, in such cases, notify the corporation, association, or partnership that its license has been revoked in accordance with the requirement of section 641 (a) of the Tariff Act of 1930. A copy of such notice shall be sent by the Committee to the collector.

(c) A customhouse broker's license may be cancelled upon written application to the Committee and surrender of the license certificate; but, before granting the request, inquiry shall be made by the Committee to ascertain whether it has been made in order to evade proceedings for revocation or suspension of the license, in which event the request shall be denied, unless the Secretary of the Treasury shall otherwise order.

SEC. 12. LICENSES ISSUED UNDER PRIOR ACTS OF CONGRESS.—Tariff Act of 1930, section 641 (c), as amended:

License issued under the Act of June 10, 1910 (36 Stat. 454; U. S. C., title 19, sec. 415), or under the provisions of subdivision (a) of this section prior to the effective date of this amendment, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section. (Aug. 28, 1935, ch. 689, sec. 4, 49 Stat. 865.)

SEC. 13. APPEAL FROM THE SECRETARY'S DECISION.—Tariff Act of 1930, section 641 (b), as amended:

* * * An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken

by filing, in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition praying that the order of the Secretary of the Treasury be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary of the Treasury, or upon any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the collector or chief officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the collector or chief officer of customs, the court may order such additional evidence to be taken before the collector or chief officer of customs and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treasury shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347). The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 864).

SEC. 14. RECORDS OF THE COMMITTEE.—The Committee shall keep such rosters and other records as may be necessary to perform its functions under these regulations, and is authorized to require the permanent transfer to the Committee of any records in any office of the Treasury Department which pertain solely to the functions of the Committee in connection with the licensing and revocation of license of customhouse brokers. Copies of rosters shall be furnished to bureaus, offices, and divisions of the Treasury Department upon sufficient showing of need thereof. The Committee shall, on request, furnish information to any person as to whether any specified person is a licensed customhouse broker.

SEC. 15. EFFECTIVE DATE OF REGULATIONS.—These regulations shall become effective on the thirtieth day after the date hereof.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[Filed, April 20, 1936; 9:48 a. m.]

LAW AND REGULATIONS GOVERNING THE RECOGNITION OF ATTORNEYS, AGENTS, AND OTHER PERSONS REPRESENTING CLAIMANTS AND OTHERS BEFORE THE TREASURY DEPARTMENT AND OFFICES THEREOF

(1936 Amendment) Department Circular No. 230 of 1934
(Revised)

By virtue of and pursuant to the authority vested in me, including the authority conferred by Act of July 7, 1884 (23 Stat. 258), section 5 (as amended September 3, 1935), and paragraphs (d) and (e) of section 8 of Department Circular 230, revised October 1, 1934, are hereby amended to read as follows:

SEC. 5. Customhouse brokers.—Section 641 of the Tariff Act of 1930, as amended, provides in part that the Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships. The Department's regulations pursuant thereto are published in Department Circular 559. A customhouse broker so licensed requires no further enrollment under these regulations for the transaction, within the customs districts in which he is licensed, of any business relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws. He is also entitled, without further license or enrollment, to represent claimants or other persons before the Treasury Department in Washington in any matter in which he acted as a cus-

tomhouse broker in any district in which he is licensed. When serving in such capacity, a licensed customhouse broker shall, in addition to being subject to the provisions of section 641 of the Tariff Act of 1930, as amended, and the rules and regulations thereunder, be subject also to all the provisions of the laws and regulations set forth in Treasury Department Circular No. 230, as revised from time to time, and shall be responsible as specified in section 7 (d) of Department Circular 559 for violations of any such laws or regulations committed by his or its officers, employees, or authorized attorneys or agents, in connection with the prosecution on behalf of the principal of any business before the Treasury Department in Washington.

SEC. 8. (d) Upon the approval of such recommendation by the Secretary of the Treasury and the issuance of his order of suspension or disbarment of an attorney or agent, notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Such person will not thereafter be recognized during the period of suspension or disbarment as an attorney or agent in any claim or other matter before the Treasury Department or any office thereof. Notice may be given to the proper authorities in the State from which an enrolled attorney, certified public accountant, or public accountant derives his license to practice in the event that such attorney, certified public accountant, or public accountant is suspended, disbarred, or reprimanded, in such manner as the Committee shall determine, and may be given to such professional associations as the Committee may determine.

(e) Any attorney or agent who has been suspended or disbarred may make written application to the Committee to have the order of suspension or disbarment set aside or modified upon the ground (1) of newly discovered evidence, or (2) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every application for reinstatement shall be filed with the Secretary of the Committee in triplicate, who shall send one copy thereof to the complaining witness (if any) in the original proceeding. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Committee after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, it shall set a time and place for such hearing and give due notice thereof to the applicant and the complaining witness (if any). Upon the conclusion of the hearing the Committee shall submit its recommendations to the Secretary of the Treasury for his approval.

In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or disbarment, notice thereof shall be given by the Committee to all those to whom notice of the original order of suspension or disbarment was sent.

In all cases not covered by the foregoing provisions, a disbarred attorney or agent who desires to be restored to the roll must file a new application for enrollment and otherwise comply with the requirements of section 3 of these regulations.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[Filed, April 20, 1936; 9:47 a. m.]

FORM OF CUSTOMHOUSE BROKER'S LICENSE AND FORMS OF APPLICATION FOR CUSTOMHOUSE BROKER'S LICENSE

By virtue of and pursuant to the authority vested in the Secretary of the Treasury, including the authority conferred by Section 641 of the Tariff Act of 1930, as amended, and pursuant to the provisions of Department Circular 559, the attached forms are hereby prescribed as the form of license to be issued to customhouse brokers and as the forms of applications for customhouse broker's license.

These forms shall become effective on the thirtieth day after their approval.

[SEAL]

G. C. HANNA,
Chairman, Committee on Enrollment and
Disbarment of the Treasury Department.

Approved, Apr. 16, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[Filed, April 20, 1936; 9:36 a. m.]

¹The forms were filed with the Division of the Federal Register; copies are available upon application to the Treasury Department.

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

SPECIAL ORDER No. 32

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS FOR MINIMUM PRICE AREA NO. 8

Upon consideration of the determination of the District Board for District No. 22 constituting Minimum Price Area No. 8, as defined in the Act, of the weighted average of the total costs of the ascertainable tonnage produced in said District for the calendar year 1934, together with the computations upon which said determination was based, as filed with the Commission pursuant to Special Order No. 6-r, entered December 30, 1935, and in accordance with Section 4, Part II (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determination, entered in Docket No. 22-9-1, April 14, 1936:

Now, therefore, pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby orders as follows:

1. That the said report of the Division of Statistics, including each of the conclusions and recommendations therein contained, be, and it is hereby, adopted by the Commission.

2. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 8 in the calendar year 1934 be, and it is hereby, determined to be the sum of Two Dollars and Ten Cents (\$2.10) per net ton.

3. That the Secretary of the Commission shall immediately transmit a copy of this Order to the District Board for District No. 22.

4. That the Secretary of the Commission shall keep the weighted average figures of total costs determined herein available to the public at all reasonable times.

Dated this 20th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,
By C. F. HOSFORD, Jr., *Chairman*.

[Filed, April 20, 1936; 12:19 p. m.]

SPECIAL ORDER No. 33

AN ORDER REQUIRING DISTRICT BOARD FOR DISTRICT INCLUDED IN MINIMUM PRICE AREA NO. 8 TO SUBMIT SCHEDULE OF MINIMUM PRICES

The District Board for District No. 22, constituting Minimum Price Area No. 8, as defined in the Act, having filed with the Commission the determination of the weighted average of the total costs of the ascertainable tonnage produced in its District for the calendar year 1934, together with the computations upon which said determination was based, pursuant to Special Order No. 6-r of the Commission, entered December 30, 1935, and in accordance with Section 4, Part II (a) of the Act, and the Commission thereupon by its Special Order No. 32 having determined the weighted average of the total costs of the tonnage for said Minimum Price Area No. 8 in the calendar year 1934, adjusted as required by the Act, to be the sum of Two Dollars and Ten Cents (\$2.10) per net ton:

Now, therefore, pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby orders as follows:

1. The District Board for said District No. 22 shall forthwith proceed, in accordance with the provisions of Section 4, Part II (a) of the Act, to establish minimum prices for its District based on said weighted average of the total costs for Minimum Price Area No. 8, and shall, within fifteen (15) days of the date of this Order, submit to the Commission a schedule of such minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship.

2. That said District Board shall prepare and submit with its schedule of minimum prices, next hereinabove required, a statement setting forth estimates of the tonnages reasonably

expected to be sold under each of the price brackets in the said schedule of minimum prices. Said estimates of tonnages shall be based upon the experience of the District during the calendar year 1934.

3. In the event said District Board shall fail to propose minimum prices, as required in this Order, the Commission, in its discretion, may proceed without further notice to establish minimum prices for application to all Code members in such District in marketing coals produced by them.

4. The Secretary of the Commission shall immediately transmit a copy of this Order to the District Board for District No. 22 and said District Board shall, upon receipt thereof, prepare and transmit copies of this Order to all Code Members subject to its jurisdiction, and shall file with the Commission proof of such distribution, by affidavit on or before the 30th day of April, 1936.

Dated this 20th day of April, 1936.

NATIONAL BITUMINOUS COAL COMMISSION,
By C. F. HOSFORD, Jr., *Chairman*.

[Filed, April 20, 1936; 12:19 p. m.]

National Park Service.

SEQUOIA NATIONAL PARK

LOCAL SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior June 6, 1935, have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Sequoia National Park:

Fishing.—The following waters are closed to fishing during the calendar year 1936, as feeder streams for restocking main streams:

Cabin Meadow—entire length.
Yucca Creek—entire length.
Dorst Creek—entire length.
Wolverton Creek—above highway bridge.
Atwell Creek—entire length.
Whitman's Creek—above Cahoon trail crossing.
Tuohy Creek—entire length.
Granite Creek—entire length.
Eagle Scout Creek—entire length.
Middle Fork of the Kaweah River—between the trail bridge in River Valley and both waterfalls, including pools at falls.
Middle Fork of the Kaweah River—between Potwisha Flume intake and Moro Creek.
Hamilton Creek—between the two Hamilton Lakes.
Big Kern River—between Upper Funston Meadow and the Kern Hot Springs.

The following waters will be closed to fishing until July 1 to permit the native trout to spawn:

Hamilton Lakes.
Tamarack Lake.
Moose Lake.
Evelyn Lake.
All streams and lakes in the Kern River watershed above 8,000 feet elevation.

Limit of catch.—The limit of catch shall be 25 fish per day (20 fish per day for golden trout) or 10 pounds and one fish for each person fishing. A special limit of 10 fish per day or 5 pounds and one fish, caught or in possession, shall apply on the following waters:

Marble Fork of the Kaweah River and all of its tributaries, including lakes.
North Fork, Kaweah River.
Hamilton Lakes.
Tamarack Lake.
Middle Fork, Kaweah River, in posted areas in River Valley.

Possession of more than one day's catch by any person at any one time shall be construed as a violation of this regulation.

Approved, April 13, 1936.

[SEAL]

ARNO B. CAMMERER,
Director, National Park Service.

[Filed, April 20, 1936; 9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Title I of the Agricultural Adjustment Act, as amended, with respect to milk handled in the Kansas City, Missouri, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order, regulating the handling of milk in the Kansas City, Missouri, Marketing Area, in the Grand Jury Room, ninth floor, Jackson County Court House, Kansas City, Missouri, on the 6th day of May 1936, at 9:30 a. m., C. S. T.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Kansas City, Missouri, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to handlers through a market wide equalization pool and a base rating scheme; (e) reports of handlers; (f) deductions from payments to producers for marketing services by the market administrator; (g) expense of administration; (h) assurance of, and security for, payments to producers.

Copies of the proposed marketing agreement and proposed order may be inspected or procured from the Office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Dated: April 18, 1936.

Washington, D. C.

[Filed, April 18, 1936; 12:31 p. m.]

FEDERAL HOME LOAN BANK BOARD.

SUBSTITUTION OF SECURITY DUE TO CONDITIONS ARISING FROM CONDEMNATION PROCEEDINGS, PARTIAL RELEASE, DESTRUCTION OR DAMAGE FROM FIRE, WINDSTORM, OR OTHER CAUSES

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sections 4-a and 4-k of said Act as amended, Section 1 of Chapter XX of the State Manual and Section 1 of Chapter IV of the Regional Manual are hereby amended by the addition of a

new subsection to be designated "k", which shall read as follows:

k. Substitution of security held by the Corporation under its mortgages is authorized to be made as herein provided and in accordance with the procedure authorized to be promulgated hereunder.

(1) Where on account of condemnation proceedings, which have been commenced or are in contemplation, or on account of fire, windstorm, flood, or other similar casualty losses, conditions arise which make it for the interest of the Corporation to accept an offer from the home owner to substitute other real estate as security in lieu of that held by the Corporation under its mortgage, or in addition to that to be held after the condemnation or casualty loss, a Regional Manager, with the approval of a Regional Counsel, may, after appraisal and pursuant to established regulations, authorize the acceptance of such other real estate, and may consent to the removal of improvements from the old to the new security, and the repair, alteration, or reconditioning thereof, and may permit the home owner to use all or a portion of the award or insurance loss settlement for the purpose of acquiring the new or additional property, of removing the improvements or making the repairs, alterations, or reconditioning and of paying other proper expenses in connection with the transaction.

(2) Such officers, with the approval of the General Manager or a Deputy General Manager and the General Counsel or an Associate General Counsel, may also authorize the making of an additional advance for expenses in connection with the removal of the improvements in such cases and for expenses of appraisal, title search, recording fees, and other necessary charges in connection with the substitution of the new or additional security, provided that the borrower is unable to pay such expenses and it affirmatively appears that such advance is necessary to prevent a material loss to the Corporation in the particular loan.

(3) Upon the taking of any new or additional property as security, such instruments shall be taken to evidence and secure the total unpaid indebtedness as will adequately protect the Corporation, and such as will preserve a valid first lien on the old property retained, if any, and create a valid first lien on the new security. If first lien is not obtainable such cases shall be submitted to the Property Committee in Washington. A release in whole or in part of the original security, where appropriate, may be made by any official authorized by the Regulations to execute releases of the mortgage lien of the Corporation; and releases may be made for such consideration as may be determined by the Regional Manager subject to the provisions hereof.

R. L. NAGLE, Secretary.

[Filed, April 20, 1936; 12:18 p. m.]

FEDERAL HOUSING ADMINISTRATION.

AMENDMENT OF THE REGULATIONS OF THE FEDERAL HOUSING ADMINISTRATION ISSUED IN CONNECTION WITH THE MODERNIZATION CREDIT PLAN OF THE NATIONAL HOUSING ACT, TITLE I

REGULATION NO. 1

[Applicable to all loans]

Promissory notes must be signed by an owner of the real property to be improved, or by a lessee thereof under a lease expiring not less than six months after the maturity of the loan, and must be in form generally considered to be valid and enforceable in the State in which they are issued. In addition to owners in fee, owners of real property include life tenants and persons holding an equity under mortgage, trust, or contract.

[Revision of Regulation No. 1 of the Modernization Credit Plan. Effective April 1, 1936]

[Filed, April 18, 1936; 10:38 a. m.]

AMENDMENT OF THE REGULATIONS OF THE FEDERAL HOUSING ADMINISTRATION ISSUED IN CONNECTION WITH THE MODERNIZATION CREDIT PLAN OF THE NATIONAL HOUSING ACT, TITLE I

REGULATION NO. 7

[Applicable only to loans of \$2,000 and less]

A note evidencing an advance of credit not in excess of \$2,000 will be eligible for insurance if it was executed to cover repairs, alterations, or additions upon improved real property, including the cost of architectural and engineering service, if any.

[Revision of Regulation No. 7 of the Modernization Credit Plan. Effective April 1, 1936]

[Filed, April 18, 1936; 10:38 a. m.]

AMENDMENT OF THE REGULATIONS OF THE FEDERAL HOUSING
ADMINISTRATION ISSUED IN CONNECTION WITH THE MODERNI-
ZATION CREDIT PLAN OF THE NATIONAL HOUSING ACT, TITLE I

REGULATION NO. 18

[Applicable to all loans]

Subject to the limitation that his total liability under insurance heretofore or hereafter granted to all insured institutions shall not exceed \$100,000,000, the Administrator, in accordance with Regulation No. 14, will reimburse any insured institution for losses sustained by it up to a total aggregate equal to 10% of the total amount advanced by it during the time its Contract of Insurance is in force, on all eligible obligations not previously reported for insurance, taken or purchased by it on or after April 1, 1936, and held by it or on which it remains liable.

If obligations previously reported for insurance under Contracts of Insurance issued pursuant to the amendment effective April 1, 1936, are sold to another insured institution endorsed with or without recourse, the buying and selling institutions may agree, with the prior approval of the Administrator, to transfer all or any part of the insurance reserve standing to the credit of the selling institution, to the purchasing institution. Where the parties agree to transfer an insurance reserve in excess of 10% of the actual purchase price of the obligations involved, or in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the entire insurance reserve transferred may be used to pay only those claims arising out of defaults occurring in the transferred obligations. When the obligations so transferred have all been fully paid to the purchasing institution, it shall so notify the Administrator, and any insurance reserve remaining unused shall thereupon revert to the institution from which it was originally transferred.

Where the parties agree to transfer an insurance reserve not in excess of 10% of the actual purchase price of the obligations involved, or not in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the insurance reserve so transferred will be credited to the general reserve of the purchasing institution in the absence of any agreement to the contrary between the purchasing and selling institutions.

The transfer of insurance reserve in cases of merger or consolidation of two or more insured institutions will be provided for by the Administrator in accordance with the facts of the particular case.

In all cases the reports required by Regulation No. 13 must be filed and must indicate the intent of the parties with regard to the transfer of insurance reserve.

Where the notes are transferred without recourse, guarantee, or repurchase agreement and the reports do not indicate the intent of the parties, the insurance reserve will be transferred to the general reserve of the purchasing institution on the basis of 10% of the actual purchase price of the obligations involved, or 10% of the new unpaid original advance on the obligations involved, whichever is the lesser.

Where the transfer of the obligations is with recourse or under a guarantee or purchase agreement and the required reports do not show the intent of the parties, no insurance reserve will be transferred.

[Revision of Regulation No. 18 of the Modernization Credit Plan, Effective April 1, 1936]

[Filed, April 18, 1936; 10:39 a. m.]

AMENDMENT OF THE REGULATIONS OF THE FEDERAL HOUSING
ADMINISTRATION ISSUED IN CONNECTION WITH THE MODERNI-
ZATION CREDIT PLAN OF THE NATIONAL HOUSING ACT, TITLE I

REGULATION NO. 24

[Applicable only to loans in excess of \$2,000]

An advance of credit in excess of \$2,000, but not in excess of \$50,000, must have been made for the purpose of (1) re-

pairs, alterations, or additions upon real property already improved by apartment or multiple-family houses, hotels, office, business or other commercial buildings, hospitals, orphanages, colleges, schools, churches, or manufacturing or industrial plants, or improved by some other structure which is to be converted into one of the foregoing types of property, or (2) the purchase and installation, in connection with one of the foregoing types of property, of eligible equipment and machinery.

[Revision of Regulation No. 24 of the Modernization Credit Plan, Effective April 1, 1936]

[Filed, April 18, 1936; 10:38 a. m.]

FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

Docket No. 2720

IN THE MATTER OF GRANADA VINEYARDS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 29, 1936, at ten o'clock in the forenoon of that day, in court room number four, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[Filed, April 18, 1936; 10:32 a. m.]

NATIONAL LABOR RELATIONS BOARD.

[CORRECTION]

RULES AND REGULATIONS—SERIES 1—AS AMENDED

GENERAL RULES AND REGULATIONS

The members of the Board, signing the above entitled document as published on April 18, 1936 (1 F. R. 244), are as follows:

J. WARREN MADDEN,
Chairman.
JOHN M. CARMODY,
Member.
EDWIN L. SMITH,
Member.

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 36-14

IN THE MATTER OF THE APPLICATION OF MASSACHUSETTS POWER AND LIGHT ASSOCIATES

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been filed with this Commission by Massachusetts Power and Light Associates for approval of the acquisition by it of

(1) 11,821 shares of capital stock of Lynn Gas & Electric Company and Trust Certificates representing 1,185 shares of such capital stock and

(2) 17,926 shares of capital stock of Haverhill Electric Company,

Being securities now owned by Utility Shares Associates, a trust of which said applicant is the sole beneficiary:

It is ordered that the matter be set down for hearing on the 11th day of May 1936 at 10 o'clock A. M., at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing and is authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than May 6th, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, April 20, 1936; 10:42 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 36-15

IN THE MATTER OF THE APPLICATION OF NEW ENGLAND POWER ASSOCIATION

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been filed with this Commission by New England Power Association for approval of the acquisition by it of the securities of New England Power Securities Company, a trust of which said applicant is the sole beneficiary, such securities being as follows:

Title of issue to be acquired:	Maximum amount to be acquired
(1) New England Power Association:	
\$2 Dividend Cumulative Preferred Shares (no par).....	59 shares.
6% Preferred Cumulative Shares (par \$100).....	1 share.
Common Shares (no par).....	5 shares.
(2) Connecticut River Power Company:	
6% Cumulative Preferred Stock (par \$100).....	2,245 shares.
(3) Massachusetts Power and Light Associates:	
\$2 Dividend Cumulative Preferred Shares (no par).....	8,528 shares.
Common Shares (no par).....	6,398 shares.
(4) Haverhill Electric Company:	
Capital Stock (par \$25).....	60 shares.

Title of issue to be acquired—Continued.

(5) The Rhode Island Public Service Company:	Maximum amount to be acquired
\$2 Dividend Cumulative Preferred Stock (par \$27.50).....	1,784 shares.
(6) The Narragansett Electric Company:	
First Mortgage 5% Bonds, Series A.....	\$2,500 principal.
Bond Scrip, exchangeable for Series A Bonds.....	\$345.79 principal.
(7) Massachusetts Utilities Associates Common Voting Trust:	
Common Voting Trust Certificates (par \$1.00) representing Common Shares of Massachusetts Utilities Associates.....	1,015,154 shares.
(8) Massachusetts Utilities Associates:	
5% Cumulative Preferred Shares (expressed value \$50).....	16,760 shares.
(9) Massachusetts Lighting Companies Shares Trust:	
Trust Certificates (Common-no par).....	38 shares.
(10) Massachusetts Lighting Companies:	
Common Shares (no par).....	247 shares.
(11) International Hydro-Electric System:	
\$3.50 Cumulative Convertible Preferred Shares (par \$50).....	2,415 shares.
(12) Eastern Utilities Associates:	
Common Shares (no par).....	75 shares.
Convertible Shares (no par).....	1,215 shares.
(13) Fitchburg Gas and Electric Light Company:	
Capital Stock (par \$25).....	5,734 shares.
(14) Lynn Gas & Electric Company:	
Capital Stock (par \$25).....	515 shares.
Voting Trust Certificates representing capital stock.....	1,654 shares.
(15) New Bedford Gas and Edison Light Company:	
Capital Stock (par \$25).....	60 shares.
(16) Western Massachusetts Companies:	
Capital Stock (no par).....	8,607 shares.
(17) Berkshire Fine Spinning Associates, Inc.:	
7% Cumulative Convertible Preferred Stock (par \$100).....	200 shares.
Common Stock (no par).....	100 shares.
(18) Essex Company:	
Capital Stock (par \$50).....	176 shares.

IT IS ORDERED that the matter be set down for hearing on the 11th day of May 1936 at 10 o'clock A. M., at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

IT IS FURTHER ORDERED that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing and is authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

IT IS FURTHER ORDERED that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than May 6th, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission:

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, April 20, 1936; 10:43 a. m.]

United States of America Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 36-16

IN THE MATTER OF THE APPLICATION OF FALL RIVER ELECTRIC LIGHT COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, having been filed with this Commission by Fall River Electric

Light Company for approval of the acquisition by it of the following property:

About 6/10ths of a mile of rights of way in the Town of Swansea, Massachusetts, together with poles, lines, switching station, and equipment thereon, said rights of way being more particularly described in the following instruments to The Narragansett Electric Lighting Company:

Grantor	Date	Recorded
Algernon H. Barney et ux.	Sept. 4, 1924	Book 344 at page 335, Fall River District, Bristol County, Massachusetts.
Edward T. Luther	June 20, 1918	Book 250 at page 34, Fall River District, Bristol County, Massachusetts.
Amos F. Maker	June 19, 1918	Book 249 at page 77, Fall River District, Bristol County, Massachusetts. Book 48 at page 109, Warren, R. I.

It is ordered, that the matter be set down for hearing on the 11th day of May 1936 at 10 o'clock A. M., at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be, and he hereby is, designated to preside at such hearing and is authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than May 6th, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, April 20, 1936; 10:43 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of April, 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-143

IN THE MATTER OF THE APPLICATION OF THE INDIANA NATURAL GAS AND OIL COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by The Indiana Natural Gas and Oil Company, pursuant to Section 3 (a) (1) of the Public Utility Holding Company Act of 1935:

It is ordered, that the matter be set down for hearing on the 4th day of May 1936, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be, and he hereby is, designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence,

memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding, or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 29, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, April 20, 1936; 10:41 a. m.]

United States of America Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-223

IN THE MATTER OF THE APPLICATION OF THE ARIZONA EDISON COMPANY, INC.

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by The Arizona Edison Company, Inc., for an order pursuant to Section 3 of the Public Utility Holding Company Act of 1935:

It is ordered, that the matter be set down for hearing on the 4th day of May 1936, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers, or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 29, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, April 20, 1936; 10:41 a. m.]

United States of America Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-362

IN THE MATTER OF THE APPLICATION OF THE TEXAS CORPORATION
ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO
CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by The Texas Corporation pursuant to Sections 2 (a) (8) and 3 (a) of the Public Utility Holding Company Act of 1935,

It is ordered, that the matter be set down for hearing on the 8th day of May 1936 at 10:00 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, corre-

spondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than May 4, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, April 20, 1936; 10:42 a. m.]